

**SUPREME COURT MINUTES  
WEDNESDAY, FEBRUARY 4, 2004  
SAN FRANCISCO, CALIFORNIA**

**S105508**A094755 First Appellate District,  
Division TwoFORD, ESTATE OF  
Rehearing denied

Opinion modified. No change in judgment

George, C.J., was absent and did not participate.

**S120680**

H024142 Sixth Appellate District

CDM INVESTORS v. AMERICAN NATIONAL FIRE  
INSURANCE COMPANY

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *Powerine Oil Company v. Superior Court*, S113295 and *County of San Diego v. Ace Property & Casualty Co.*, S114778 (see Cal. Rules of Court, rule 28.2 (c) ), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

George, C.J., was absent and did not participate.

Votes: Werdegar, A.C.J., Kennard, Baxter,  
Chin, Brown, and Moreno, JJ.**S121572**A104640 First Appellate District,  
Division Five

DISCOVER BANK v. S.C. (SHAKIB)

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *Discover Bank v. Superior Court*, S113725 (see Cal. Rules of Court, rule 28.2 (c) ), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

George, C.J., was absent and did not participate.

Votes: Werdegar, A.C.J., Kennard, Baxter,  
Chin, Brown, and Moreno, JJ.

**S108021**

G026504 Fourth Appellate District,  
Division Three

**O'CONNOR AGENCY v. BRODKIN**

Transferred to CA 4/3 after hold

The above-entitled review is hereby transferred to the Court of Appeal, Fourth Appellate, Division Three, with directions to vacate its decision and to reconsider the cause in light of *Ferguson v. Lieff, Cabraser, Heimann & Bernstein, LLP* (2003) 30 Cal. 4th 1037.

George, C.J., was absent and did not participate.

Votes: Werdegarr, A.C.J., Kennard, Baxter, Chin, Brown, and Moreno, JJ.

**S120543**

E032612 Fourth Appellate District,  
Division Two

**PEOPLE v. PONCE**

Petition for review denied

George, C.J., was absent and did not participate.

**S120603**

A104496 First Appellate District,  
Division Five

**PEARSON v. S.C. (DENISON)**

Petition for review denied

George, C.J., was absent and did not participate.

**S120686**

B163619 Second Appellate District,  
Division Five

**PEOPLE v. PATTON**

Petitions for review denied

George, C.J., was absent and did not participate.

**S120697**

B159699 Second Appellate District,  
Division Four

**PEOPLE v. SINGLETON**

Petitions for review denied

George, C.J., was absent and did not participate.

**S120703**

E031658 Fourth Appellate District,  
Division Two

**PEOPLE v. MAQUIZ**

Petition for review denied

George, C.J., was absent and did not participate.

**S120704**

E031260 Fourth Appellate District,  
Division Two

INLAND PRIMARY CARE v. PRIMECARE  
INTERNATIONAL INC.  
Petition for review denied

George, C.J., was absent and did not participate.

**S120715**

B158303 Second Appellate District,  
Division Seven

PEOPLE v. SUMMERS  
Petition for review denied

George, C.J., was absent and did not participate.

**S120721**

C044083 Third Appellate District  
C043787

L. (NATHANIEL) , IN RE  
Petition for review denied

George, C.J., was absent and did not participate.

**S120748**

E032843 Fourth Appellate District,  
Division Two

OSCA DEVELOPMENT COMPANY v. BLEHM  
Petition for review & publication request denied

Request for judicial notice is denied.

George, C.J., was absent and did not participate.  
Kennard, J., is of the opinion the petition should  
be granted.

**S120754**

G032894 Fourth Appellate District,  
Division Three

PEREZ (ANTHONY) ON H.C.  
Petition for review denied

George, C.J., was absent and did not participate.  
Brown, J., was recused and did not participate.

**S120784**

B168173 Second Appellate District,  
Division Four

TEQUE (UBALDO) ON H.C.  
Petition for review denied

George, C.J., was absent and did not participate.

**S120822**

B157868 Second Appellate District,  
Division Seven

PEOPLE v. RIVA  
Petition for review denied

George, C.J., was absent and did not participate.

**S120824**

A104519 First Appellate District,  
Division One

POON (ALBERT) ON H.C.  
Petition for review denied

George, C.J., was absent and did not participate.

**S120830**

B169107 Second Appellate District,  
Division Seven

McSHERRY (LEONARD J.) ON H.C.  
Petition for review denied

George, C.J., was absent and did not participate.

**S120845**

B161390 Second Appellate District,  
Division Seven

DIXON v. U.C. REGENTS  
Petition for review denied; CA opinion decertified

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal filed October 23, 2003, which appears at 112 Cal. App. 4th 1062. (Cal. Const., art. VI, section 14; rule 976, Cal. Rules of Court.).

George, C.J., was absent and did not participate.

**S120858**

B170394 Second Appellate District,  
Division Eight

ANHEUSER-BUSCH INC. v. W.C.A.B. (THOMAS)  
Petition for review denied

George, C.J., was absent and did not participate.

**S120862**

E032037 Fourth Appellate District,  
Division Two

PEOPLE v. MORALES  
Petition for review denied

George, C.J., was absent and did not participate.

**S120882**

E031058 Fourth Appellate District,  
Division Two

PEOPLE v. RICHARDSON  
Petition for review denied

George, C.J., was absent and did not participate.

**S120920**

E032265 Fourth Appellate District,  
Division Two

PEOPLE v. MARTIN  
Petition for review denied

George, C.J., was absent and did not participate.

**S120926**

A094701 First Appellate District,  
Division Three

PEOPLE v. SNYDER

Petition for review denied

George, C.J., was absent and did not participate.

**S120951**

F040773 Fifth Appellate District

WAGNER v. MUROC JOINT UNIFIED SCH. DIST.

Petition for review denied

George, C.J., was absent and did not participate.

**S120955**

B160914 Second Appellate District,  
Division One

PEOPLE v. ZEPEDA

Petition for review denied

George, C.J., was absent and did not participate.

**S121065**

B164033 Second Appellate District,  
Division Eight

LOS ANGELES TIMES v. LOS ANGELES COUNTY  
BOARD OF SUPERVISORS

Petition for review & depublication requests denied

George, C.J., was absent and did not participate.

**S121081**

B170880 Second Appellate District,  
Division Five

MOSBY (VINCENT) IN RE

Petition for review denied

George, C.J., was absent and did not participate.  
Brown, J., was recused and did not participate.

**S121098**

A100929 First Appellate District,  
Division Four

PEOPLE v. TICE

Petition for review denied

George, C.J., was absent and did not participate.

**S121169**

B164876 Second Appellate District,  
Division Four

PEOPLE v. COUNTEE

Petition for review denied

George, C.J., was absent and did not participate.

**S121178**

E032545 Fourth Appellate District,  
Division Two

## PEOPLE v. SANCHEZ

Petition for review denied

George, C.J., was absent and did not participate.  
Kennard, J., and Werdegar, J., are of the opinion  
the petition should be granted.

**S121183**

C040743 Third Appellate District

## PEOPLE v. PUCKETT

Petition for review denied

George, C.J., was absent and did not participate.

**S121191**

A099678 First Appellate District,  
Division Five

## PEOPLE v. CIANCI

Petition for review denied

George, C.J., was absent and did not participate.

**S121197**

A098221 First Appellate District,  
A102900 Division Four

## PEOPLE v. SAECHAO

Petition for review denied

George, C.J., was absent and did not participate.

**S121200**

A102900 First Appellate District,  
A098221 Division Four

## SAECHAO ON H.C.

Petition for review denied

George, C.J., was absent and did not participate.

**S121242**

B159596 Second Appellate District,  
Division Three

## CYCHNER v. FOOD 4 LESS HOLDINGS INC.

Petition for review denied

George, C.J., was absent and did not participate.

**S121243**

A096347 First Appellate District,  
A097583 Division Four

## PALACIO v. LONGS DRUG STORES

Petition for review denied

George, C.J., was absent and did not participate.

**S121245**

F039129 Fifth Appellate District

## PEOPLE v. MARSHALL

Petition for review denied

George, C.J., was absent and did not participate.

**S121252**  
C045523 Third Appellate District

JONES (WILLIE RAY) ON H.C.  
Petition for review denied

George, C.J., was absent and did not participate.

**S121254**  
A095645 First Appellate District,  
A101919 Division Four

PEOPLE v. SMITH (REGINALD)  
Petition for review denied

George, C.J., was absent and did not participate.

**S121270**  
G033125 Fourth Appellate District,  
Division Three

WILLIAMS v. S.C. (WILLIAMS)  
Petition for review and application for stay denied

George, C.J., was absent and did not participate.

**S121275**  
B171127 Second Appellate District,  
Division Five

SHANE (MICHAEL ANTHONY) ON H.C.  
Petition for review denied

George, C.J., was absent and did not participate.

**S121320**  
H025768 Sixth Appellate District

G. (JOSE), IN RE  
Petition for review denied

George, C.J., was absent and did not participate.

**S121352**  
B162016 Second Appellate District,  
Division Five

PATRICIA S. v. LOS ANGELES  
Petition for review denied

George, C.J., was absent and did not participate.

**S121372**  
B169258 Second Appellate District,  
Division Seven

WARE (FRANKLIN) ON H.C.  
Petition for review denied

George, C.J., was absent and did not participate.

**S121379**  
B159623 Second Appellate District,  
Division Seven

PEOPLE v. WARE  
Petition for review denied

George, C.J., was absent and did not participate.

**S121398**

D043228 Fourth Appellate District,  
Division One

POULIOT v. S.C. (GRAHAM)  
Petition for review denied

George, C.J., was absent and did not participate.

**S121405**

B171542 Second Appellate District,  
Division One

LOYD (STEVEN ALAN) ON H.C.  
Petition for review denied

George, C.J., was absent and did not participate.

**S121415**

B164536 Second Appellate District,  
Division Five

PEOPLE v. LUNA  
Petition for review denied

George, C.J., was absent and did not participate.

**S121427**

A104515 First Appellate District,  
Division Four

McCALL v. S.C. (UTAH STATE RETIREMENT BD.)  
Petition for review denied

George, C.J., was absent and did not participate.

**S121447**

G033162 Fourth Appellate District,  
Division Three

WALSH v. S.C. (NGUYEN)  
Petition for review denied

George, C.J., was absent and did not participate.

**S121463**

D039451 Fourth Appellate District,  
Division One

BRH-GARVER, INC. v. CITY OF SAN DIEGO  
Petition for review denied

George, C.J., was absent and did not participate.

**S121472**

B160260 Second Appellate District,  
Division Five

CHINESE YELLOW PAGES v. CHINESE OVER-  
SEAS MARKETING SERVICE CORP.  
Petition for review denied

George, C.J., was absent and did not participate.

**S121487**

F042135 Fifth Appellate District

PEOPLE v. VASQUEZ  
Petition for review denied

George, C.J., was absent and did not participate.  
Baxter, J., was recused and did not participate.



**S121488**

D040740 Fourth Appellate District,  
Division One

PEOPLE v. NGUYEN

Petition for review denied

George, C.J., was absent and did not participate.

**S121490**

B169964 Second Appellate District,  
Division Eight

PEOPLE v. DAWSON

Petition for review denied

George, C.J., was absent and did not participate.

**S121491**

B163621 Second Appellate District,  
Division One

PEOPLE v. LOYD

Petition for review denied

George, C.J., was absent and did not participate.

**S121493**

H025251 Sixth Appellate District

PEOPLE v. VELASQUEZ

Petition for review denied

George, C.J., was absent and did not participate.

**S121497**

A102660 First Appellate District,  
Division One

PEOPLE v. IRIAS

Petition for review denied

George, C.J., was absent and did not participate.

**S121511**

B161431 Second Appellate District,  
Division One

NELSON v. NELSON (LOS ANGELES)

Petitions for review denied

George, C.J., was absent and did not participate.

**S121534**

F041358 Fifth Appellate District

PEOPLE v. CHAMBERLIN

Petition for review denied

George, C.J., was absent and did not participate.

**S121541**

C042487 Third Appellate District

PEOPLE v. SERNA

Petition for review denied

George, C.J., was absent and did not participate.

**S121542**  
C043819 Third Appellate District

PEOPLE v. LEVINE  
Petition for review denied

George, C.J., was absent and did not participate.

**S121545**  
F042934 Fifth Appellate District

E. (ULISES), IN RE  
Petition for review denied

George, C.J., was absent and did not participate.

**S121553**  
A101256 First Appellate District,  
Division Two

EARLS v. McPHERSON  
Petition for review denied

George, C.J., was absent and did not participate.

**S121560**  
F041295 Fifth Appellate District

PEOPLE v. HALL  
Petition for review denied

George, C.J., was absent and did not participate.  
Baxter, J., was recused and did not participate.

**S121563**  
B161149 Second Appellate District,  
Division One

PEOPLE v. SAHIBI  
Petition for review denied

George, C.J., was absent and did not participate.

**S121571**  
B162899 Second Appellate District,  
Division Two

PEOPLE v. MENDEZ  
Petition for review denied

George, C.J., was absent and did not participate.  
Kennard, J., is of the opinion the petition should  
be granted.

**S121573**  
B162966 Second Appellate District,  
Division Three

PEOPLE v. ALAM  
Petition for review denied

George, C.J., was absent and did not participate.

**S121575**

F040810 Fifth Appellate District

**BORGES v. FARRAR**

Petition for review denied

George, C.J., was absent and did not participate.

**S121576**B160403 Second Appellate District,  
Division One**PEOPLE v. QUINTERO**

Petition for review denied

George, C.J., was absent and did not participate.

**S121584**B168444 Second Appellate District,  
Division Six**PEOPLE v. BECKER**

Petition for review denied

George, C.J., was absent and did not participate.

**S121590**B162324 Second Appellate District,  
Division Two**PEOPLE v. SIGMON**

Petitions for review denied

George, C.J., was absent and did not participate.

**S121592**

C041118 Third Appellate District

**PEOPLE v. TEJEDA**

Petition for review denied

George, C.J., was absent and did not participate.

**S121601**E031786 Fourth Appellate District,  
Division Two**PEOPLE v. RODGERS**

Petition for review denied

George, C.J., was absent and did not participate.

**S121602**B161587 Second Appellate District,  
Division One**PEOPLE v. JENSEN**

Petition for review denied

George, C.J., was absent and did not participate.

**S121604**A099376 First Appellate District,  
Division Five**PEOPLE v. WELCH**

Petition for review denied

George, C.J., was absent and did not participate.

**S121608**

B162081 Second Appellate District,  
Division Two

PEOPLE v. CHAN

Petition for review denied

George, C.J., was absent and did not participate.

**S121617**

B166151 Second Appellate District,  
Division One

PEOPLE v. BRIGGS

Petition for review denied

George, C.J., was absent and did not participate.

**S121622**

H024718 Sixth Appellate District

GUTIERREZ v. RICO

Petition for review denied

George, C.J., was absent and did not participate.

**S121623**

B163512 Second Appellate District,  
Division Two

PEOPLE v. HARRIS

Petition for review denied

George, C.J., was absent and did not participate.

**S121625**

B158264 Second Appellate District,  
Division Three

PEOPLE v. MARTINEZ

Petition for review denied

George, C.J., was absent and did not participate.

**S121626**

D040426 Fourth Appellate District,  
Division One

PEOPLE v. SEXTON

Petition for review denied

George, C.J., was absent and did not participate.

**S121627**

B161292 Second Appellate District,  
Division One

PEOPLE v. WILLIAMS

Petition for review denied

George, C.J., was absent and did not participate.

**S121629**

B159913 Second Appellate District,  
Division Seven

PEOPLE v. MARSHALL

Petition for review denied

George, C.J., was absent and did not participate.

**S121632**

B158350 Second Appellate District,  
Division Two

PEOPLE v. SMITH

Petition for review denied

George, C.J., was absent and did not participate.

**S121634**

A101742 First Appellate District,  
Division Three

PEOPLE v. PARRA

Petition for review denied

George, C.J., was absent and did not participate.

**S121635**

JUSTICE v. CA 4/1 (WELLS FARGO BANK)

Petition for writ of mandate/prohibition denied

George, C.J., was absent and did not participate.  
Baxter, J., was recused and did not participate.

**S121637**

A104641 First Appellate District,  
Division One

KANBAR v. S.C. (CHESTER)

Petition for review denied

George, C.J., was absent and did not participate.

**S121668**

E033642 Fourth Appellate District,  
Division Two

PEOPLE v. ADEJUYIGBE

Petition for review denied

George, C.J., was absent and did not participate.

**S121677**

G030603 Fourth Appellate District,  
Division Three

PEOPLE v. LAUN

Petition for review denied

George, C.J., was absent and did not participate.

**S121682**

F040037 Fifth Appellate District

PEOPLE v. REYES

Petition for review denied

George, C.J., was absent and did not participate.

**S121688**

D043363 Fourth Appellate District,  
Division One

LIGGETT v. S.C. (MERRILL LYNCH)

Petition for review denied

George, C.J., was absent and did not participate.

**S121700**

E032757 Fourth Appellate District,  
Division Two

## PEOPLE v. PATKINS

Petition for review denied

George, C.J., was absent and did not participate.

**S121715**

B163216 Second Appellate District,  
Division Three

## PEOPLE v. OROSCO

Petition for review denied

George, C.J., was absent and did not participate.

**S122025**

E035007 Fourth Appellate District,  
Division Two

## PONCA TRIBE v. S.C. (CALIFORNIA)

Petition for review and application for stay denied

George, C.J., was absent and did not participate.

**S122027**

B172168 Second Appellate District,  
Division Three

## AHUJA v. S.C. (PEOPLE)

Petition for review and application for stay denied

George, C.J., was absent and did not participate.

**S122028**

B172169 Second Appellate District,  
Division Three

## AHUJA v. S.C. (PEOPLE)

Petition for review and application for stay denied

George, C.J., was absent and did not participate.

**S122125**

D043539 Fourth Appellate District,  
Division One

## ILLUMINA, INC. v. SC. (APPLERA CORPORATION)

Petition for review and application for stay denied

George, C.J., was absent and did not participate.

**S113182**

## BROOKS (SANDY) ON H.C.

Petition for writ of habeas corpus & stay denied

Petition for writ of habeas corpus, "Motion for Production of Transcript of the Sentencing Proceedings," and "Request for Stay of Proceedings Pending the Court's Ruling on Motion for Production of Sentencing Transcript" are denied.

George, C.J., was absent and did not participate.

**S114722**

ANDRADE (LARRY) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S114756**

SOMERS (KEITH A.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S114783**

SOSA (HUGO AARON) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

George, C.J., was absent and did not participate.

**S115898**

CROOMS (VAN R.) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

George, C.J., was absent and did not participate.

**S115900**

PEREZ (JOSE L.) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

George, C.J., was absent and did not participate.

**S115919**

BEDFORD (MARCUS A.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S115921**

STOKES (RALPH) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S115988**

GAINES (ANTOINE) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S115990**

KU (MAK NAE) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

George, C.J., was absent and did not participate.

**S116008**

HANSON (GORDON) ON H.C.

Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S116046**

SQUARE (LESEANTE) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

George, C.J., was absent and did not participate.

**S116061**

BELL (EMERSON) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

George, C.J., was absent and did not participate.

**S116083**

KOLACKI (RICHARD) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

Petition for writ of habeas corpus is denied for failure to provide the record, including the transcript, of the evidentiary hearing held in Santa Clara County Superior Court in Case No. 168927. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *Sherwood v. Superior Court* (1979) 24 Cal.3d 183, 186-187.)

George, C.J., was absent and did not participate.

**S116104**

GOMEZ (LUIS PALACIOS) ON H.C.

Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.



**S116129**

CARR (CHARLES H.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.  
Brown, J., was recused and did not participate.

**S116149**

MITCHELL (RODERICK LEE) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S116161**

RODRIGUEZ (SALVADOR) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S116163**

COTTON (WILLIE) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S116164**

FOSTER (ROBERT LEE) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S116166**

BERMEA (RUBEN) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S116172**

MEFFORD (ARTHUR C.) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

George, C.J., was absent and did not participate.

**S116176**

BALDINE (RICHARD) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S116184**

ANAYA (RICHARD ERNEST) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S116185**

BULLETTI (PETER C.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S116187**

DORROUGH (MICHAEL R.) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

George, C.J., was absent and did not participate.

**S116188**

GRAVES-BEY (RODNEY) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S116194**

DELEON (FELIPE S.) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

George, C.J., was absent and did not participate.

**S116202**

PORTER (JEFFREY) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

George, C.J., was absent and did not participate.

**S116210**

HODGE (WILLIAM R.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S116256**

ELLIOTT (KENNETH RAY) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

George, C.J., was absent and did not participate.

**S116258**

HAMILTON (DONALD R.) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

George, C.J., was absent and did not participate.

**S116262**

McCOY (JOSEPH) ON H.C.

Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S116291**

HERNANDEZ (FRANSISCO) ON H.C.

Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S116303**

JACKSON (JANAL) ON H.C.

Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S116322**

RODRIQUEZ (OSCAR) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

George, C.J., was absent and did not participate.

**S116394**

ANGULO (GILBERTO) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

George, C.J., was absent and did not participate.

**S116398**

FLORES (EFRAIN) ON H.C.

Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S116400**

PHAM (KHANH TUAN) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

George, C.J., was absent and did not participate.

**S116401**

HERNANDEZ (CHRISTIAN) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

George, C.J., was absent and did not participate.

**S116402**

CERVANTES (JOHN) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S116404**

GARCIA (JOSE JESUS) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S116441**

HIGHTOWER (TERRELL G.) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

George, C.J., was absent and did not participate.

**S116466**

GOMEZ (STEVE H.) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

George, C.J., was absent and did not participate.

**S116477**

JENKINS (STEVEN C.) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

George, C.J., was absent and did not participate.

**S116485**

GUERRERO (MANUEL) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S116512**

ARCHULETA (MICHAEL) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

George, C.J., was absent and did not participate.

**S116513**

JAMES (OTHO R.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S116553**

TOLIVER (TYRONE) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

George, C.J., was absent and did not participate.

**S116569**

BLACKWELL (COSTELLO) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

George, C.J., was absent and did not participate.

**S116581**

TRAN (PHUONG) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S116591**

PEREZ (MIGUEL ANGEL) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S116592**

CROOMS (VAN ROY) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

George, C.J., was absent and did not participate.

**S116595**

BETANCOURT (GABRIEL) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S116675**

MARTIN (RONNIE S.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S116693**

ABRAMS (DAVID M.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S116822**

REED (ARAMIS) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

George, C.J., was absent and did not participate.

**S117604**

GAMACHE (RICHARD) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S118449**

CAICO (JAMES V.) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

George, C.J., was absent and did not participate.

**S119007**

WILLIAMS (SHON O.) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

George, C.J., was absent and did not participate.

**S119031**

WILLIAMS (MICHAEL B.) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

George, C.J., was absent and did not participate.

**S119048**

MARTIN (RONNIE S.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S119165**

SOKEN (ERIC) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S119172**

JAYNE (MICHAEL A.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S119173**

BALL (DALE DOUGLAS) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S119239**

JENKINS (JOHN WILLIE) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S119262**

DESHUN (BRAY D.) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

George, C.J., was absent and did not participate.

**S119373**

AUSTIN (VOLATER R.) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

George, C.J., was absent and did not participate.

**S119391**

MITCHELL (MIKE E.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S119427**

WILLIAMS (SHON O.) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

George, C.J., was absent and did not participate.

**S120813**

PHILLIPS (DONALD) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S121586**

WILLIAMS (STEPHON L.) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

George, C.J., was absent and did not participate.

**S121589**

SICAIROS (ROSARIO M.) ON H.C.

Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S121654**

STEWART (DAVID A.) ON H.C.

Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S121791**

JUSTICE (ROBERT VOLNEY) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

George, C.J., was absent and did not participate.

**S121833**

CLARK (DAMILLE) ON H.C.

Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S121941**

NEWMAN (CHARLES) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

George, C.J., was absent and did not participate.

**S121968**

RIVAS (JESSY J.) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

George, C.J., was absent and did not participate.

**S118125**B162055 Second Appellate District,  
Division Six

GRUNDY v. GOURLEY

Depublication request denied (case closed)

George, C.J., was absent and did not participate.



**S119565**

D039651 Fourth Appellate District,  
Division One

MERCURY BOOKS INC. v. G & B EMPORIA INC.  
Publication request denied (case closed)

George, C.J., was absent and did not participate.

**S120176**

E032503 Fourth Appellate District,  
Division Two

CROWLEY v. MS TEMECULA LLC  
Publication request denied (case closed)

George, C.J., was absent and did not participate.

**S120334**

G031239 Fourth Appellate District,  
Division Three

KRISHNA v. TIWARI  
Publication request denied (case closed)

George, C.J., was absent and did not participate.

**S120470**

A102320 First Appellate District,  
Division Five

STOREK & STOREK v. S.C. (CITICORP REAL  
ESTATE INC.)  
Publication request denied (case closed)

George, C.J., was absent and did not participate.

**S120479**

E032176 Fourth Appellate District,  
Division Two

CORONA, CITY OF v. DEPT OF TRANSPORT  
Publication request denied (case closed)

George, C.J., was absent and did not participate.

**S120651**

C041886 Third Appellate District

BENDER INC. v. VANIR CONSTRUCTION  
Publication request denied (case closed)

George, C.J., was absent and did not participate.  
Chin, J., was recused and did not participate.

**S120856**

E032891 Fourth Appellate District,  
Division Two

DEPT OF FAIR EMPLOYMENT & HOUSING v.  
SAN BERNARDINO CNTY SHERIFFS (SKILES)  
Publication request denied (case closed)

George, C.J., was absent and did not participate.

**S120879**

B166181 Second Appellate District,  
Division Five

LOS ANGELES DEPARTMENT OF CHILDREN &  
FAMILY SERVICES v. S.C. (CHERYL M.)  
Depublication request denied (case closed)

George, C.J., was absent and did not participate.

**S121070**

B165661 Second Appellate District,  
Division One

YAN v. MEMRAD MEDICAL GROUP  
Publication request denied (case closed)

George, C.J., was absent and did not participate.

**S121364**

E032746 Fourth Appellate District,  
Division Two

WADE v. CITY OF BLYTHE  
Publication request denied (case closed)

George, C.J., was absent and did not participate.

**S121421**

B162638 Second Appellate District,  
Division Four

PASTORIA v. NATIONWIDE INSURANCE  
Depublication request denied (case closed)

George, C.J., was absent and did not participate.  
Chin, J., was recused and did not participate.

**S121588**

F039990 Fifth Appellate District

MURPHY v. FREMONT INVESTMENT AND LOAN  
Publication request denied (case closed)

George, C.J., was absent and did not participate.

**S114715**

B151534 Second Appellate District,  
Division Seven

FLETCHER v. DAVIS  
Extension of time granted

to March 4, 2004 to file respondents' Carlyle E.  
Davis et al., reply brief on the merits.  
No further extensions are contemplated.

**S115764**

HAWKINS (MYKEL) ON H.C.  
Extension of time granted

to March 15, 2004 to file petitioner's reply to the  
informal response.

**S120903**B159594 Second Appellate District,  
Division Seven

MOROHOSHI v. PACIFIC HOME

Extension of time granted

On application of respondent Harbor Regional Center and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to and including March 22, 2004.

**S012852**

PEOPLE v. MAURY (ROBERT E.)

Order appointing Habeas Corpus Resource Center filed

Good cause appearing, the application of appointed counsel for permission to withdraw as habeas corpus/executive clemency attorney of record for condemned inmate Robert Edward Maury, filed January 16, 2004 (amended application filed Jan. 20, 2004), is granted.

The order appointing Therese Y. Cannata as habeas corpus/executive clemency counsel of record for condemned inmate Robert Edward Maury, filed August 16, 2000, is hereby vacated.

On the court's own motion, the Habeas Corpus Resource Center is hereby appointed as habeas corpus/executive clemency counsel of record for condemned inmate Robert Edward Maury. Counsel is appointed for purposes of all postconviction proceedings in this court, and for subsequent proceedings, including the preparation and filing of a petition for clemency with the Governor of California, as appropriate.

Any "petition for writ of habeas corpus will be presumed to be filed without substantial delay if it is filed . . . within 24 months" of this date (Supreme Ct. Policies Regarding Cases Arising From Judgments of Death, policy 3, timeliness std. 1-1.1), and it will be presumed that any successive petition filed within that period is justified or excused (see *In re Clark* (1993) 5 Cal.4th 750, 774-782), in light of prior habeas corpus counsel's declaration, in support of her motion to withdraw, to the effect that she was unable to discharge her duty to investigate and, if appropriate, present a habeas corpus

petition on behalf of condemned inmate Robert Edward Maury.

Therese Y. Cannata is directed to deliver to the Habeas Corpus Resource Center, within 30 days from the filing of this order, the entire case file relating to condemned inmate Robert Edward Maury's capital appeal and related habeas corpus proceedings currently in her possession, including, but not limited to, all habeas corpus investigation work product, trial files, trial transcripts, and investigation reports, copies of all documents filed in this court, and all related materials that she has obtained from Maury or his trial counsel, legal assistants, paralegals, experts and investigators, or from any other source.

George, C.J., was absent and did not participate.

**S012852**

PEOPLE v. MAURY (ROBERT E.)  
Order filed

In conjunction with the order filed this day permitting Therese Y. Cannata to withdraw as appointed habeas corpus/executive clemency counsel of record for condemned inmate Robert Edward Maury, Ms. Cannata is ordered to reimburse this court the sum of \$10,000, subject to her ability to demonstrate to the court that she should be credited, as appropriate, for habeas corpus "work performed that is determined by the court to be of value to the court." (See "Payment Guidelines for Appointed Counsel Representing Indigent Criminal Appellants in the California Supreme Court," guideline V ["Court Action Upon Nonperformance of Work, and Reimbursement of Fees Upon Authorized Withdrawal of Appointed Counsel"].).

George, C.J., was absent and did not participate.

**S058734**PEOPLE v. HOLMES, MCCLAIN & NEWBORN  
Order filed

In conjunction with the orders filed on November 25, 2003, permitting Thomas Kallay to withdraw as counsel of record for appellant Lorenzo Alex Newborn in the above automatic appeal now pending in this court, but ordering Kallay to reimburse the court the sum of \$20,000, Kallay is granted a credit in the sum of \$9,000 toward the \$20,000 previously ordered to be reimbursed.

In all other respects, Kallay's "Confidential Motion for Compensation" is denied.

George, C.J., was absent and did not participate.

